

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEVEN L. SMITH,)
Plaintiff,)
v.) Civil Action No.
MAJOR PETER MONTEIRO, et al.,) 21-11281-NMG
Defendants.)
)
)

ORDER

GORTON, J.

On August 9, 2021, Steven L. Smith ("Smith"), now in custody at the Barnstable County House of Correction, filed a pro se complaint. The case was randomly assigned to a Magistrate Judge pursuant to the District Court's Program for Random Assignment of Civil Cases to Magistrate Judges. In the absence of a consent to the Magistrate Judge's jurisdiction, that initial assignment is treated as a referral to the Magistrate Judge under 28 U.S.C. § 636(b).

On September 9, 2021, the Magistrate Judge issued an Order for Reassignment and Report and Recommendation recommending that the action be dismissed without prejudice because Smith failed to comply with the August 10, 2021 Procedural Order directing Smith to either pay the filing fee or file a motion for leave to proceed in forma pauperis.

Objections to the Report and Recommendation were due by September 23, 2021. To date, no objection has been filed and the time to do so has expired.

Accordingly, it is hereby Ordered that the Report and Recommendation is ADOPTED in its entirety. It is further Ordered that:

1. This action is dismissed without prejudice under Federal Rule of Civil Procedure 41(b).
2. The Clerk shall enter a separate Order of Dismissal.

So ordered.


Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated: October 12, 2021